Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 013-05596-0973-145		Date: 09/28/13	Time: 2338 hours
Location: [redacted] North Fuller Avenue		City or Station: West Hollywood	
Bureau/Station/Facility: North Patrol Division/WHD		Admin. Investigation: ○ YES ◉ NO	
Type of Force: Control Holds and handcuffing.			
Incident Category: ○ 1 ○ 2 ◉ 3	Deputy Injury: ◉ YES ○ NO	Suspect Injury ◉ YES ○ NO	
☒ Call	☐ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: ◉ YES ○ NO	Person Notified: LT. Michael R. Berg	Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E1

Employee #: [redacted]	Last Name: Servin	First Name: Gerardo	Middle I.: NMI	Rank: DSG	
Sex: ◉ M ○ F	Race: H	Height: 5' 10	Weight: 200	Age: 33	Shift: ◉ EM ○ Day ○ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: WHD		Work Assignment (Unit #, Module, etc.): 91			
Individual Force Used: Control Hold		○ Directed ○ Rescue ○ Medical Assist		Individual Category ○ 1 ○ 2 ◉ 3	
☒ Injured ☐ Treated ☐ Admitted		Facility:		Coroner Case #	

E2

Employee #: [redacted]	Last Name: Freiwirth	First Name: Steven	Middle I.: R.	Rank: DSG	
Sex: ◉ M ○ F	Race: W	Height: 5' 11"	Weight: 222	Age: 56	Shift: ○ EM ○ Day ◉ PM; ○ Regular Shift ◉ OT Shift ○ Off Duty
Unit of Assignment: WHD		Work Assignment (Unit #, Module, etc.): 98A			
Individual Force Used: Control Holds		○ Directed ○ Rescue ○ Medical Assist		Individual Category ○ 1 ○ 2 ◉ 3	
☐ Injured ☐ Treated ☐ Admitted		Facility:		Coroner Case #	

E3

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle I.: [redacted]	Rank: DSG	
Sex: ◉ M ○ F	Race: H	Height: 5' 11"	Weight: 200	Age: 37	Shift: ◉ EM ○ Day ○ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: WHD		Work Assignment (Unit #, Module, etc.): 93			
Individual Force Used: Control Holds and Handcuffing		○ Directed ○ Rescue ○ Medical Assist		Individual Category ○ 1 ○ 2 ◉ 3	
☐ Injured ☐ Treated ☐ Admitted		Facility:		Coroner Case #	

On Duty Supervisor

☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Mandujan	Enrique		SGT.	YES ○ NO ◉	YES ○ NO ◉

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Grote	Dinah	L.	SGT.	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Nash II	William	G.	LT.

Watch Commander / Supervising Lieutenant's **Signature:** ____ Date ____ Copy Provided to Employee by: ____ Emp #: [redacted]

Gary S. Honings

Unit Commander (**Print Name**) ____ Unit Commander's **Signature**: ____ Emp #: ____ Date ____

DISCOVERY Use Only
FO# 23422-19

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
SUSPECT INFORMATION

013 - 05596 - 0973 - 145

Suspect Information

S 1

Last Name	First Name	Middle Name	Armed? Select
Fisher	Joyce	Edith	Not Armed

AKA Last Name: First Name: Middle Name:

Sex	Race	Age	Height	Weight	D.O.B.	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ◉ Female	B	62	5' 11"	288	06/26/52	None	

Street Address: [redacted] City: [redacted] State & Zip Code: [redacted]

Booking #: not booked Primary Charge Code: 5150 W.I.C. Secondary Charge Code: ☐ Criminal History

Treated on Scene? ◉ YES ○ NO Name: LA Co. Fire Department Unit: Engine 8 Phone #:

Hospital Admission? ☒ Rec'd Treatment At: Cedars Sinai Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Dr. James Fishkin Address: 8700 Beverly Blvd., Los Angeles, CA., 90 Phone #: 310-423-2295

Under Influence: ◉ YES ○ NO Substance: Alcohol 5150 a factor in force? ◉ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: 09/29/13 Time: 0840 ☒ Audiotape: ☐ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: First Name: Middle Name: Armed? Select

AKA Last Name: First Name: Middle Name:

Sex: ○ Male ○ Female Race: Age: Height: D.O.B. Weight: Phone #1: ○ H ○ W ○ C Phone #2: ○ H ○ W ○ C

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ○ YES ○ NO Substance: 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: First Name: Middle Name: Armed? Select

AKA Last Name: First Name: Middle Name:

Sex: ○ Male ○ Female Race: Age: Height: D.O.B. Weight: Phone #1: ○ H ○ W ○ C Phone #2: ○ H ○ W ○ C

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ○ YES ○ NO Substance: 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

013 - 05596 - 0973 - 145

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		42	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		42	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		43	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		50	declined

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	none	given

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Supervisor's Report on Use of Force

0 1 3 - 0 5 5 9 6 - 0 9 7 3 - 1 4 5

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Fisher	S	Servin	E#1	UC, PH	LC	NK
Servin	E#1	Fisher	S	PH	FR	AR
Freiwirth	E#2	Fisher	S	PH	FR	AR
[redacted]	E#3	Fisher	S	PH	FR	AR
[redacted]	E#3	Fisher	S	RH	NN	HD

INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
USE OF FORCE
(FRACTURED RIGHT ARM & HOSPITALIZATION)
IAB# FO2342219

DIVISION/UNIT: North Patrol/West Hollywood Station

DATE/TIME: Saturday, September 28, 2013, 2338 hours

LOCATION: [redacted] North Fuller Avenue, West Hollywood, CA. 90046 (Apartment complex)

PATIENT: Joyce Edith Fisher, FB/62, DOB: 06/26/52

INVOLVED PERSONNEL:
Deputy Gerardo Servin, #[redacted], Unit 91, Em's
Deputy Steven Freiwirth, #[redacted], Unit 98A, Pm's
Deputy [redacted] #[redacted], Unit 93, Em's

On September 29, 2013, the Internal Affairs Bureau's Force and Shooting Response Team, which consisted of Lieutenant Michael Berg, along with Sergeants Dinah Grote and Scott Graham, responded to West Hollywood Station regarding a patient who sustained a fracture to the right elbow area during contact with West Hollywood deputy personnel. Attorney Cynthia Hernandez from the Office of Independent Review was notified, but did not respond.

> **IAB Note:** For simplicity, recently promoted, Sergeant Steven Freiwirth, will be referred to as Deputy Freiwirth in the summary and in the Involved Employees' Statements section of the case book.

SYNOPSIS:

At approximately 2331 hours on September 28, 2013, West Hollywood Station desk personnel received a 9-1-1 call for service regarding a female Black who was creating a disturbance by banging onto the informant's glass door, trying to gain entry.

Upon Deputy Gerardo Servin's arrival, he saw a female (Patient Joyce Fisher) on the top landing at the locked entrance gate to the apartment complex. The patient used her fists and pounded on the metal security entry gate, demanding entry.

Deputy Servin walked toward the front of the complex and awaited assisting units. As he waited, the patient began to bang on a resident's sliding glass door. The patient's banging became louder and fearing the glass would break and the patient could possibly gain entry into the apartment, Deputy Servin walked to the entrance area and told the patient to stop banging the window.

Deputy Servin walked to the middle landing and stood approximately 15 feet away from the patient who stood on the top landing, near the apartment's entry gate. The patient then yelled racial slurs and cursed at him, so he removed his O.C. spray and pointed it at the patient while giving her several commands to stop and to sit on the ground.

Deputy Steven Freiwirth then arrived and was able to calm Patient Fisher for a bit, but she continued to focus on Deputy Servin and made more racial slurs toward him. Deputy [redacted] arrived at the middle landing and she would not comply with his orders to sit down or answer his questions, and she rambled on about unrelated things.

Patient Fisher then lunged at Deputy Servin and attempted to punch him, scratching him under his chin. Deputy Freiwirth grabbed her right arm and placed his arm under her right shoulder and pulled it behind her back. Deputy [redacted] grabbed her left arm, placed it behind her back as the patient moved side to side, and handcuffed her left wrist.

Patient Fisher then turned to her left and bent forward, trying to pull away from the deputies' grasp. As she did this, they heard a "snap" sound in her right arm. Patient Fisher stopped resisting and allowed herself to be lowered to the ground with the assistance of the deputies.

Deputy [redacted] maintained control of Patient Fisher as she remained on the ground as Deputy Freiwirth immediately requested paramedics and Field Sergeant Enrique Mandujan [redacted] arrived at the scene.

Paramedics treated Patient Fisher at the scene and she was transported via ambulance to Cedars-Sinai Medical Center. Patient Fisher was detained at Cedars-Sinai Medical Center for Mental Observation (5150 W.I.C. hold). The patient was treated by Emergency Room physician Dr. James Fishkin.

Several hours later, x-rays revealed Patient Fisher sustained a fracture of the right distal metadiaphyseal region of the right humerus and a non-displaced fracture of the coronoid process at the proximal ulna.

Dr. Fishkin described the injuries as being consistent with the reported use of force due to the fact that there was close to 300 pounds of weighted pressure on her arm. He also stated that although Patient Fisher was being psychologically evaluated, she did not appear to be mentally challenged.

Additionally, a blood test revealed Patient Fisher's Blood Alcohol Content to be .26%. Patient Fisher underwent further medical evaluation for possible surgery to repair her injuries.

Deputy Servin sustained a minor scratch to his neck area caused by Patient Fisher and he declined medical treatment. There were no other injuries to deputy personnel.

Patient Fisher admitted to drinking several "big tumblers" of vodka and coke before her contact with deputies. She had no recollection of banging on doors and gates at the apartment complex, assaulting or coming into contact with deputies or how she obtained her injury. She was apologetic for her actions.

The initial charge on the Incident Report was a Mental Observation Hold (5150 W.I.C.). Two days later, a non-desirous, battery on a person supplemental report was written, so no criminal charges were filed.

On September 30, 2013, the Psychiatry Department at Cedars-Sinai Medical Center, lifted Patient Fisher's 5150 W.I.C. hold. Also, the Orthopedic Department re-evaluated Patient Fisher's fractured arm and concluded no surgery was needed at that point. A follow-up orthopedic appointment was scheduled for October 7, 2013, and Patient Fisher was released from the hospital.

INVOLVED PERSONNEL:
SERVIN, Gerardo NMI.
Deputy Sheriff, Employee #[redacted]
North Patrol Division/West [redacted]ollywood Station - Patrol

WORK HISTORY:

Date of Employment:	11/03/2004
Date assigned to WHD:	05/27/2012
Completed Patrol Training:	[redacted]
Prior Shooting Incident(s):	
Prior Founded Force Incident(s):	

FREIWIRTH, Steven R.
Sergeant, Employee [redacted]
Custody Services Division/Specialized Programs

WORK HISTORY:

Date of Employment:	10/09/1985
Date assigned to WHD:	07/27/1986
Completed Patrol Training:	[redacted]
Date promoted:	[redacted]
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

[redacted]
Deputy Sheriff, Employee #[redacted]
North Patrol Division/West Hollywood Station - Patrol

WORK HISTORY:

Date of Employment:	[redacted]
Date assigned to WHD:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

NON-EMPLOYEE WITNESSES:

[redacted] MW/42, DOB: [redacted]

[redacted] FW/42, DOB: [redacted]

[redacted] FW/43, DOB: [redacted]

[redacted] MW- Declined to provide [redacted]
Refused to provide phone number(s).

PATIENT INFORMATION:
FISHER, Joyce Edith, FB/62, DOB: 06/26/52, 5' 11, 256 lbs., Not in custody.
[redacted]
No phone, unemployed.

No criminal history.

INJURIES:
Deputy Servin sustained an approximate one inch, superficial scratch under his chin/neck area. He declined medical treatment. Refer to Deputy Servin's photographs, presented as ***Exhibit F***, in the case book.

Deputies [redacted] and Freiwirth were not injured during this incident.

Patient Fisher sustained a fracture of the right distal metadiaphyseal region of the right humerus and a non-displaced fracture of the carotid process at the proximal ulna. She remained hospitalized for further evaluation for possible surgery to repair her injuries. She did not have any further complaint of pain.

Also, the Laboratory Report from Cedars-Sinai Medical Center showed Patient Fisher's blood alcohol content (BAC) was 0.26% approximately two hours after the incident. *For further, refer to the (3) photographs of Patient Fisher and her bandaged elbow, and the Lab Report, presented as* ***Exhibits L and M****, in the case book.*

On September 30, 2013, the Orthopedic Department at Sedars-Sinai medical Center re-evaluated Patient Fisher's fractured arm and concluded no surgery was needed at that point. A follow-up orthopedic appointment was scheduled for October 7, 2013, and she was released from the hospital.

> **IAB Note:** Patient Fisher signed an authorization form to release her medical records. For further, refer to the medical report from Cedars-Sinai Medical Center, presented as ***Exhibit N***, in the case book.

PHYSICAL EVIDENCE:
There was no evidence retained during this incident.

INVESTIGATORS' OBSERVATIONS:
The scene was not held by the personnel from West Hollywood Station because the fracture was not discovered until several hours after the incident.

WEAPONS USED BY DEPUTY PERSONNEL:
Deputy Gerardo Servin used his hands and body weight.

Deputy Steven Freiwirth used his hands to control Patient Fisher's right arm.

Deputy [redacted] used his hands to control Patient Fisher. He also handcuffed her left wrist.

WEAPONS USED BY THE PATIENT:
Patient Fisher was uncooperative, attempted to punch Deputy Servin, scratched Deputy Servin and resisted Deputies Freiwirth, [redacted] and Servin.

PROPERTY DAMAGE:
No property was damaged occurred during this incident.

CRIMINAL INVESTIGATION CHARGES:

Investigator's Name:	West Hollywood Station Detective Ermina McKelvy #[redacted].
Court:	No filing.
Charges Filed:	None.
DA Case Number:	None.

On October 1, 2013, Detective Ermina McKelvy inactivated the case and it was closed due to the victims were non-desirous of prosecution. For further, refer to a copy of her Supplemental Report, presented as ***Exhibit P***, in the case book.

LIGHTING AND WEATHER CONDITIONS:
It was a cool, clear and dark night. There was no lighting at the apartment entrance gate. However, there were two sets of overhead flood lights on each side (north and south) of the entrance, approximately 12 feet away.

INVOLVED EMPLOYEES' STATEMENTS:
Deputy Gerardo Servin *was interviewed at West Hollywood Sheriff's Station on September 29, 2013, at approximately 0714 hours, by IAB Sergeants Dinah Grote and Scott Graham. Deputy Servin declined representation. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in the* ***Transcriptions-Involved Employees****, section of the casebook.*

Deputy Servin stated he worked as a one-person patrol unit when he responded to a priority call regarding a possible insane person. The call indicated a female Black was screaming and banging on windows.

Upon his arrival and seated in his patrol car, Deputy Servin heard a female voice yelling and cursing to be let into the location. Deputy Servin exited his vehicle and stood on the sidewalk below the entrance steps to await the arrival of additional units. The female (Patient Fisher) who stood on the top step, banged on the metal security gate at the front entrance to the apartment complex and continued to yell.

Deputy Servin told Patient Fisher to stop and asked if she lived at the residence. The patient did not acknowledge Deputy Servin and continued to bang on the door. The patient then walked to the right side of the security gate and used her fists to bang on the sliding glass door adjacent to the gate. Deputy Servin ordered her to stop banging on the glass and to sit down, but she did not comply and banged on the glass harder.

Fearing the patient would break the glass and possibly enter the apartment, Deputy Servin went to the first landing, which was located several steps below the top landing where the patient stood. He believed the patient was mentally disabled, not intoxicated, and stood approximately 10-15 feet from the patient and ordered her to stop banging on the glass.

Patient Fisher then turned her attention toward Deputy Servin. With a blank stare and raged look on her face, Patient Fisher yelled out in a hostile voice, "Fuck you Mexican. Go back to your country."

In case the patient decided to run at him, Deputy Servin removed his O.C. spray and pointed it at Patient Fisher while she continued to yell and insult him. He again ordered her to stop and to sit on the ground, but she did not comply. Deputy Freiwirth then arrived at his side and told Servin that he (Freiwirth) was going to attempt to talk to the patient.

As Deputy Freiwirth talked to the patient, he moved to the left side on the top landing and stood approximately seven to ten feet from the patient. Deputy Servin then took a couple steps upward and stood on the steps below the top landing as Deputy Freiwirth engaged in a conversation with the patient who pointed her right index finger at Deputy Servin and yelled out more insults about his race.

Seconds later, Patient Fisher turned her attention back to Deputy Servin and with a clenched right fist, she lunged at Deputy Servin. In an attempt to retreat from the assault, Deputy Servin took a couple steps backward, going downward as Patient Fisher grabbed onto his uniform collar and scratched him under his chin area.

Peripherally and to his right side, Deputy Servin saw Deputy [redacted] walk up the steps to the top landing and grab onto the patient's left arm while Deputy Freiwirth grabbed onto the patient's right arm. Deputies Freiwirth and [redacted] controlled the patient's arms behind her back, but she resisted and twisted her body from side to side.

Deputy Servin went up the steps to the top landing. As the patient's body was turned to her right, Deputy Servin placed his right hand on the patient's left shoulder in an attempt to push her body to the ground. Simultaneously, he used his right hand to put away his O.C. spray. As he did this, he heard a "snap" and the patient stopped resisting.

Deputies Freiwirth and [redacted] then guided the patient face-down to the ground. As Deputy [redacted] attempted to handcuff, they realized the "snap" noise was from her right arm. Although Patient Fisher was no longer resistive, she continued to be verbally assaultive.

Deputy Servin estimated that from the time the patient lunged at him up to the time he heard the snap sound, five to ten seconds had elapsed. Even after the incident, Deputy Servin believed Patient Fisher had a mental disability based her violent behavior. For further, refer to Deputy Servin's Supplemental Report, photographs of his injury and his Training Records, presented as ***Exhibits F and G***, in the case book. Also, refer to photographs of the location, presented as ***Exhibit O***, in the case book.

Deputy Steven Freiwirth
On January 8, 2014, at approximately 1042 hours, Deputy Steven Freiwirth was interviewed by IAB Sergeant Dinah Grote at the Internal Affairs office. Deputy Freiwirth declined representation. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in the ***Transcriptions-Involved Employees****, section of the casebook.*

Deputy Freiwirth stated he responded to a call for service wherein a possible insane person was banging on doors or windows to an apartment complex. As he drove up to the location, he heard a female screaming. He parked his patrol vehicle behind another vehicle and exited his car.

He walked toward the apartment complex (location) and saw Deputy Servin standing on the middle landing holding his O.C. spray. Taking the right-side steps to the middle landing, Deputy Freiwirth saw a female (Patient Fisher) standing on the top landing, adjacent to the right side bannister/hand rail. The patient yelled out racial slurs and demanded entry into the apartment complex.

Deputy Freiwirth told Deputy Servin that he wanted to talk to the patient before he (Servin) sprayed the patient. As Deputy Freiwirth started to engage the patient in a conversation, he walked up the stairs and stood to the left side of the steps with one foot on the top landing, approximately five feet from where the patient stood.

Deputy Freiwirth said he wanted to defuse the situation and to get her focused on him, not on Deputy Servin. He also felt Patient Fisher did not like Deputy Servin because she continued to yell out racial slurs to him, and also continued to demand entry into the complex and banged on the metal security gate.

After approximately two minutes of conversation, Deputy Freiwirth was able to get the patient calmed down and focused on him. He said some of her words were slurred and made him think she was possibly drunk, but he could not determine if she was intoxicated, taking narcotics or mentally disabled because his focus was to get her to calm down. He stated she was somewhat calm until Deputy Servin took a couple of steps upward, standing behind and to the right of Deputy Freiwirth.

Deputy Freiwirth then heard someone coming up the steps and out of the corner of his right eye, he saw an unknown deputy ([redacted] walk up the right-side stairs toward them. Suddenly, Patient Fisher extended her right arm with her open right hand and took two steps forward, grabbing onto Deputy Servin's neck.

Deputy Freiwirth knew Deputy Servin was on the steps and feared Deputy Servin would fall backward if the patient continued her assault. So, Deputy Freiwirth extended his right arm across Patient Fisher's right arm and placed his left hand at her right elbow. Simultaneously, he grabbed Patient Fisher's right wrist with his right hand and with his left hand, he moved up to her triceps area and placed her right arm in a rear arm lock. He stood behind her, off-set on her right side.

Deputy [redacted] was on the left side of the patient's body and was attempting to grab her left arm when the patient started to scream and resist them. Immediately, Deputy Freiwirth yelled out to Deputies [redacted] and Servin to handcuff the patient while he used both hands to control her right arm.

Approximately two to five seconds later and for unknown reasons, Deputy Freiwirth felt the patient's upper body turn to her left, going forward to the ground, pulling away from him. He then heard a "snap" sound.

Patient Fisher then stopped resisting and lowered herself to the ground assisted by Deputies Freiwirth and [redacted] Patient Fisher layed on the left side of her body across the top landing and Deputy Freiwirth released her right arm while Deputy [redacted] knelt down and controlled her left arm. Based on the sound he heard, Deputy Freiwirth believed Patient Fisher broke her right arm. He said Patient Fisher continued to curse and yell out racial slurs for another 30 seconds so then stopped.

Deputy Freiwirth said other deputy personnel arrived and he requested the field sergeant and rescue to respond to their location. He stated a man (Non-Witness [redacted] who resided in the apartment on the right side of the entry gate, opened his sliding glass door and advised that he was the informant on the call. The patient was transported via ambulance to a hospital for medical treatment.

Deputy Freiwirth knew Deputy [redacted] was on the left side of the patient's body, but he did not see Deputy [redacted] actions as he was focused on controlling the patient's right arm. And he believed Deputy [redacted] was trying to control the patient's left arm as it was not secured.

In hindsight, Deputy Freiwirth believed that when the patient turned to her left side and dropped downward, it was her attempt to prevent Deputy [redacted] from grabbing her left arm and to possibly assault him.

Deputy Freiwirth estimated that from the time the patient lunged at Deputy Servin to the time he heard the snap sound, seven to ten seconds had elapsed. For further, refer to Deputy Freiwirth's Supplemental Report and his Training Records, presented as ***Exhibits H and I***, in the case book. Also, refer to photographs of the location, presented as ***Exhibit O***, in the case book.

Deputy [redacted]

On September 29, 2013, at approximately 0640 hours, Deputy [redacted] *was interviewed by IAB Sergeants Dinah Grote and Scott Graham at West Hollywood Sheriff's Station. Deputy* [redacted] *declined representation. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in the* ***Transcriptions-Involved Employees****, section of the casebook.*

Deputy [redacted] stated he worked as a one-person patrol unit and received the handle on a priority call for service regarding a female Black pounding on various doors and windows at the location, attempting to gain entry. While driving to the location, he received an update which stated the female was now assaulting the 9-1-1 caller.

Upon Deputy [redacted] arrival, he saw two other patrol cars at the location. As he approached the front entrance, he saw Deputies Servin and Freiwirth standing on steps which lead to the top landing at the front entrance. On the top landing was a female (Patient Fisher) standing at the security gate. She was banging on the gate and cursing for someone to let her in.

Deputy [redacted] stated his partners stood approximately eight to ten feet from the patient. They tried talking to her, but she would not answer them. As Deputy [redacted] approached and stood on the middle landing, he asked her where she lived and what her name was. She did not answer his questions, but yelled at him to get away from her and to go back to "Mexico" and rambled on about various topics.

Deputy [redacted] said after his arrival to the middle landing and conversing with the patient for approximately 15-20 seconds, Patient Fisher re-directed her attention back toward Deputies Freiwirth and Servin where she continued to yell out racial slurs. With a clenched right fist, Patient Fisher then attempted to punch Deputy Servin.

At this point, Deputy [redacted] stepped up to the top landing on the patient's left side. With his left hand, he grabbed Patient Fisher's left wrist. Simultaneously, he placed his right hand on her left elbow and guided her left arm behind her back. He stated she did not resist him as she appeared to be focused on Deputies Freiwirth and Servin.

Deputy [redacted] stated Deputy Servin possibly handed him a set of handcuffs, so he attached one handcuff to her left wrist and waited for Deputies Servin and Freiwirth to bring her right arm behind her back in order to handcuff her other wrist.

It appeared to Deputy [redacted] that they had difficulty getting Patient Fisher's right arm behind her back. He used both hands to maintain control of her left arm because the patient flailed her body side to side. Then the patient bent her body forward and lowered her body weight downward.

As Deputy [redacted] maintained control of her left arm and tried to prevent her from falling forward, he heard a "snap" sound coming from her other arm. He believed it was possibly her shoulder, so he guided her to the ground where he controlled her by holding her handcuffed left wrist until the arrival of medical personnel. He said Patient Fisher continued to curse at them and talked about aliens as she laid on the right side of her body. At this point, he believed Patient Fisher required psychological evaluation.

He stated assisting units arrived and paramedics and the field sergeant were requested. Paramedics stabilized her arm and Deputy [redacted] handcuffed her left wrist to a gurney. The patient was then transported via ambulance to a hospital, which he followed in his patrol car.

Other than seeing Deputies Freiwirth and Servin attempt to grab the patient's right arm, Deputy [redacted] did not see their use of force. He said when they went "hands on" with the patient, it quickly occurred and he did not have enough time to make an assessment of her for alcohol, drugs and/or mental condition.

Deputy [redacted] estimated that from the time he grabbed onto Patient Fisher's left arm to the point he heard a "snap" sound, approximately 15-20 had elapsed. For further, refer to a copy of the 9-1-1 call and transcripts, a copy of the Incident Record for Call, and voiced priority transmissions, copy of the Incident and Supplemental Reports by Deputy [redacted] and his Training Records, presented as ***Exhibits A, B, C, D and E***, in the case book. Also, refer to photographs of the location, presented as ***Exhibit O***, in the case book.

NON-EMPLOYEE WITNESSES' STATEMENTS:

[redacted] *was interviewed immediately after the incident by West Hollywood Station Sergeant Enrique Mandujan. Below is a summary of the interviews. Precise wording may be obtained by reviewing the digitally audio recorded interviews located in IAB's audio files and/or the verbatim transcripts presented under the* ***Transcriptions, Non-Employee Witnesses, Field Sergeant Interview****, and/or reviewing the DVD, presented as* ***Exhibit J****, sections of the casebook.*

Mr. [redacted] stated he was in bed, and his [redacted] (Witness [redacted] and [redacted] were in the kitchen when they heard loud knocking on their sliding glass patio door. Witness [redacted] walked to their patio door that is located adjacent to the front entrance of the secured apartment complex. When he looked out the glass door, he saw an unknown female Black (Patient Joyce Fisher) standing at the handrail adjacent to his sliding door, pounding on the glass with her fists.

Fearing the patient was going to break the glass, Witness [redacted] opened the sliding glass door. The patient screamed and cursed at him while she attempted to grab and hit him with her fists. He attempted to calm her down, but she continued to grab and hit him, so he called the Sheriff's Department.

Witness [redacted] then closed his sliding glass door. He said a deputy arrived and attempted to calm the patient, but she refused. He said a "confrontation" started, so he closed his window and heard the deputy continue to calm the patient. He had nothing further to add. *For further, refer to the audiotaped 9-1-1 call for service and transcripts* ***(Exhibit A)****, the dispatched call for service and copy of the Incident Record* ***(Exhibit B)****, copy of Deputy* [redacted] *Supplemental Report* ***(Exhibit D)*** *and photographs of Witness* [redacted] *and his injuries, presented as* ***Exhibit J****, in the case book.*

On September 29, 2013, at approximately 0925 hours, Witness [redacted] *was interviewed by IAB Sergeants Dinah Grote and Scott Graham at his residence. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in the* ***Transcriptions, Non-Employees, IAB Interview****, section of the casebook.*

Witness [redacted] essentially stated the same as above. He added that the patient was approximately 50-55 years old and threatened to kill him. When he opened the sliding glass door, he attempted to hold the patient arms to prevent her from breaking the glass.

When the deputy (Servin) arrived on the top step, he (Servin) tried to calm the patient who was now out of Witness [redacted] vision, near the gate entrance. He saw the deputy removed pepper spray and threatened to spray the patient, but he did not see the deputy use the pepper spray or smell it. He no longer watched the incident and was advised by his [redacted] that the incident was over.

Witness [redacted] opened the sliding glass door and saw the patient's feet. He believed the patient was lying on the ground, but he could not see which position she was in. He also saw scratches on the deputy's arms and was later contacted by deputy personnel regarding the incident. *For further, refer to photographs of Witness* [redacted] *and his injuries* ***(Exhibit J)*** *and photographs of the top landing and the sliding glass door from inside his apartment, presented as* ***Exhibit O, pictures 9 and 10****, in the case book.*

[redacted]

On September 29, 2013, at approximately 0940 hours, Witness [redacted] *was interviewed by IAB Sergeants Dinah Grote and Scott Graham at her residence. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in the* ***Transcriptions, Non-Employees****, section of the casebook.*

Witness [redacted] stated she was seated on the sofa when she heard a loud noise, which she believed was an earthquake because the walls shook. She heard something hitting the window on her sliding glass door, so she looked out the window and saw the female patient cursing and threatening to "kill" her. Feeling scared, Witness [redacted] went into their bedroom and advised her [redacted] ([redacted] of the patient.

Witness [redacted] stated her [redacted] stood at the open glass door and tried to talk to the patient, but the patient did not appear to understand as she continued to yell and threaten them. Witness [redacted] then called the Sheriff's Department and the patient then grabbed onto Witness [redacted] arm.

In an attempt to have the patient release her grasp on her ([redacted]) [redacted] arm, Witness [redacted] punched the patient's hands/arm approximately five to six times. She was unsure if her strikes were effective because the patient moved her hands back and forth, in and out of the window.

When the deputy(s) arrived, Witness [redacted] left the window and did not watch because she was "not curious." *For further, refer to the photograph of Witness* [redacted] *bruised right knuckles* ***(Exhibit K)*** *and photographs of the top landing and the sliding glass door from inside her apartment, presented as* ***Exhibit O, pictures 9 and 10****, in the case book.*

[redacted]

On September 29, 2013, at approximately 0950 hours, Witness [redacted] *was interviewed by IAB Sergeants Dinah Grote and Scott Graham at her residence. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in the* ***Transcriptions, Non- Employees****, section of the casebook.*

Witness [redacted] stated she was driving into the apartment's east side underground garage and stopped her vehicle to wait for the garage door to open when she saw the patient standing on the front porch. She said it was dark and the patient was grabbing onto and shaking the bushes and flowers located in the middle landing area.

Initially, Witness [redacted] believed the patient was looking for something, but then the patient screamed for help and yelled loudly to be let into the apartment entrance gate. Witness [redacted] did not recognize the patient as a resident. She drove her vehicle into the garage and parked.

Witness [redacted] walked up the staircase from the garage to the first floor and heard the entrance gate rattling as the patient yelled to be let in. As she walked toward her apartment, she passed Apartment #[redacted] and saw Witness [redacted] standing inside his apartment at the sliding glass door. Witness [redacted] was talking on a cellular phone and she believed he was talking with the Sheriff's Department.

Because the situation was getting worse, Witness [redacted] walked to the laundry room because it had a lock on it. She heard male voices and decided to go back into the garage, to the gate and look toward the front gate entrance where she saw several patrol vehicles.

Witness [redacted] returned upstairs and saw the patient laying partially-face down on the ground outside the entrance gate, and deputies were talking to her.

The below residents were contacted at the apartment building at [redacted] South Fuller Avenue. They refused to be interviewed on tape or provide any additional personal information.

[redacted] stated he was upstairs in his apartment when he heard a commotion downstairs. He heard a female screaming, but could not understand what was being said. Although he did not want to become involved, he looked down the staircase and saw deputies holding a female on the ground, in the landing area outside the front entrance gates. He said the deputies were restraining the female, but he did not witness the deputies' initial contact with the patient and only saw the deputies holding the female (patient) on the ground.

> **IAB Note:** Also contacted were [redacted] (Apartment #[redacted]), who did not see or hear the incident and [redacted] (Apartment #[redacted]), who heard yelling, but did not witness any force.

PATIENT STATEMENTS:

On September 29, 2013, at approximately 0840 hours, Patient Joyce Fisher was interviewed by IAB Sergeants Dinah Grote and Scott Graham in the emergency room at Cedars-Sinai Medical Center in the city of Los Angeles. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in the ***Transcriptions-Patient****, section of the casebook.*

Patient Joyce Fisher stated that on September 28, 2013, at approximately 2000 hours, she went to a location [redacted]) to celebrate an event for a friend. At the event, she consumed a "couple of big tumblers" of vodka and soda, and had no recollection what happened after she drank.

She had no recollection of being at an apartment complex and banging on a door (Witness [redacted]). She had no recollection of having any contact with deputy personnel, assaulting deputy personnel or how her injury (fractured elbow) occurred. Other than her arm being in pain, she did not have any other injury.

Patient Fisher stated several months prior (to the incident), she was diagnosed with having a heart murmur. A week ago, she was diagnosed with having a low pulse rate, which scared her. She said she is a graduate of Boston College Law School and ran out of money, so she is now on Welfare. She became depressed and sought out a psychologist who prescribed her anti-depressants (Ativan and Propranolol) for depression and anxiety.

Patient Fisher also has diabetes. She takes glucoride for high blood pressure and injects insulin nightly, before bedtime. She did not take her insulin dosage prior to leaving for her friend's event. She agreed to sign a medical records authorization release form. For further, refer to the signed waiver and copy of her medical records, presented as ***Exhibit N***, in the case book.

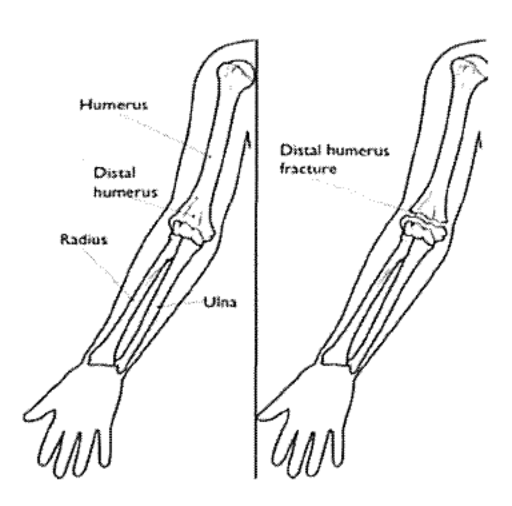
> **IAB Note:** The Laboratory Report from Cedars-Sinai Medical Center showed Patient Fisher's blood alcohol content (BAC) was 0.26%. For further, refer to the lab report, presented as ***Exhibit M***, in the case book.

MISCELLANEOUS SECTION:

The below information is provided and defined by the American Academy of Orthopaedic Surgeons (AAOS).

<u>Distal Humerus Fracture of the elbow:</u> The three bones that come together to form the elbow can break (fracture) in different ways. A distal humerus fracture is one type of elbow fracture. The distal humerus is the end of the upper bone (humerus) that forms the upper part of the elbow.

Anatomy: The humerus is the upper arm bone between the shoulder and the elbow. See below photo.



<u>Fracture of the proximal ulna:</u> The forearm is made up of two bones, the radius and the ulna.

Anatomy: If you hold your arm at your side with your palm faced up, the ulna is the bone closest to your body and the radius is closest to your thumb. The ulna is larger at the elbow, it forms the "point" of your elbow, and the radius is larger at the wrist. See below photo.

